



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Tommy R. Shedd et al.	
Serial No.: 10/774,639	Group Art Unit: 1724
Filed: February 3, 2004	Examiner: Not yet assigned
Title: Apparatus and Method for Portable Automated Biomonitoring of Water Quality	
Attorney Docket No.: CEHR 03-13 02	

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

Dear Sir:

This Information Disclosure Statement is submitted:

under 37 CFR 1.97(b), or  
(Within three months of filing national application; or date of entry of international application; or before mailing date of first office action on the merits; whichever occurs last)

under 37 CFR 1.97(c) together with either a:  
 Certification under 37 CFR 1.97(e), or  
 a \$180.00 fee under 37 CFR 1.17(p), or  
(After the CFR 1.97(b) time period, but before final action or notice of allowance, whichever occurs first)

under 37 CFR 1.97(d) together with a:  
 Certification under 37 CFR 1.97(e), and  
 a petition under 37 CFR 1.97(d)(2)(ii), and  
 a \$130.00 petition fee set forth in 37 CFR 1.17(i)(1).  
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Applicant(s) submit herewith Form PTO 1449-Information Disclosure Citation with copies, of patents, publications or other information of which applicant(s) are aware, which applicant(s) believe(s) may be material to the examination of this application and for which there may be a duty to disclose in accordance with 37 CFR 1.56.

Neither this statement nor the listing of these documents on the accompanying form PTO-1449 should be considered as an admission by Applicant(s) that these materials are prior art as to Applicant(s). In addition, this statement should not be construed as a representation that no better disclosures exist.

Entry of the Information Disclosure Statement and the accompanying Form PTO-1449 are respectfully solicited.

Respectfully submitted,



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June 23, 2004



PTO/SB/08A (10-01)

Approved for use through 10/31/2002. OMB 0651-0031  
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Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**  
(use as many sheets as necessary)

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***Complete if Known***

<b>Application Number</b>	10/774,639
<b>Filing Date</b>	February 3, 2004
<b>First Named Inventor</b>	Tommy R. Shedd et al.
<b>Art Unit</b>	1724
<b>Examiner Name</b>	
<b>Attorney Docket Number</b>	CEHR 03-13 02

## U.S. PATENT DOCUMENTS

## FOREIGN PATENT DOCUMENTS

Examiner Signature		Date Considered	
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**\*EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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Substitute for form 1449B/PTO				Complete if Known	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(use as many sheets as necessary)</i>				Application Number	10/774,639
Sheet 2 of 2				Filing Date	February 3, 2004
				First Named Inventor	Tommy R. Shedd et al.
				Group Art Unit	1724
				Examiner Name	Not yet Assigned
				Attorney Docket Number	CEHR 03-13 02

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS		
Examiner Initials*	Cite <sub>1</sub> No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.
	AA	ASTM Standard Guide for Ventilatory Behavioral Toxicology Testing of Freshwater Fish, E1768-95,9,ASTM, West Conshohocken, PA.
	BB	CARLSON, R. W. et al., "Fish Cough Response - A Method for Evaluating Quality of Treated Complex Effluents", Water Research,1978, Vol. 12, pp. 1-6.
	CC	"Real-Time Monitoring for Toxicity Caused by Harmful Algal Blooms and Other Water Perturbations", EPA November 2001
	DD	Continuous Automated Biomonitoring: Perspectives and Applications, U.S. Army Corps of Engineers Seventh Innovative Technology Transfer Workshop, Mar. 20, 1997
	EE	GRUDER, D. et al., "Initial Testing of a recent Biological Monitoring Concept", Journal of Water Pollution Control Federation, Nov. 1979, Vol. 51, No. 11, pp. 2744-2751
	FF	NELMS, et al. "BeRM: Bioelectric Response Monitor", proceedings from IEEE SouthEast Con "92, Apr. 12-15, 1992, Birmingham, Alabama, IEEE, Vol. 1, No. 12, pp. 91-94
	GG	SHEDD, Tommy R. et al., "Evaluation of an Automated Fish Ventilatory Monitoring System in a Short-Term Screening Test for Chronic Toxicity," U.S. Army Biomedical Research and Development Laboratory, Technical Report AD A172116, Fort Detrick, MD, July 1986
	II	SHEDD, Tommy R., et al., "Long-Term Operation of an Automated Fish Biomonitoring System for Continuous Effluent Acute Toxicity Surveillance", Bull. Environ. Contam. Toxicol, 2001, pp. 392-399
	JJ	VAN DER SHALIE, W. H., "A New Technique for Automatic Monitoring of Fish Ventilatory Patterns and Its Possible Use in Screening Tests for Chronic Toxicity" In Aquatic Toxicology: Third Conference ASTM STP 707; J. Eaton, P. Parrish, and A. Hendricks (eds.), Philadelphia, PA. 1980, pp. 233-242
	KK	VAN DER SHALIE, W. H. et al., "Ventilatory and Movement Response of Rainbow Trout Exposed to 1,3,5-Trinitrobenzene in an automated Biomonitoring System", Automated Biomonitoring - Living Sensors as Environmental Monitors (eds.), Ellis Horwood Publishers, West Sussex, England, 1988, pp. 67-74
	LL	WESTLAKE, G. F. et al., "Evaluation of An Automated Biological Monitoring System at an Industrial Site", In ASTM STP 607, J. Cairns, Jr., K.L. Dickson, and G.F. Westlake, (eds.), 1997, pp. 30-37

Examiner Signature	Date Considered
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